

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JUAN SPURLIN,	:	MOTION TO VACATE
Movant,	:	28 U.S.C. §2255
	:	
	:	CRIMINAL NO.
v.	:	1:13-CR-304-TWT-JKL-4
	:	
UNITED STATES OF AMERICA,	:	CIVIL ACTION NO.
Respondent.	:	1:20-CV-125-TWT-JKL

ORDER AND FINAL REPORT AND RECOMMENDATION

On January 26, 2019, Movant Juan Spurlin entered a guilty plea to wire fraud in this Court and was sentenced to twenty-four months of imprisonment. (Docs. 73, 117). On January 8, 2020, Movant filed a *pro se* motion to vacate his sentence pursuant to 28 U.S.C. §2255. (Doc. 121). The Government filed its response in opposition to the §2255 motion on March 2, 2020. (Doc. 126).

Meanwhile, on May 21, 2020, Movant moved for compassionate release under the First Step Act, 18 U.S.C. §3582(c)(1)(A)(i). (Docs. 127, 128). The District Court denied that motion on August 7, 2020. (Doc. 134). Movant never received that Order, however, because the envelope containing the Order was returned to the Court with the notations “Return to Sender,” “Unclaimed,” and “Unable to Forward.” (Doc. 135). Coincidentally, the Federal Bureau of Prisons’ website indicates that Movant was released on August 7, 2020, the same date the District Court’s Order was entered denying Movant’s request for compassionate

release under the First Step Act. *See Federal Bureau of Prisons Inmate Query*, available at https://www.bop.gov/mobile/find_inmate/byname.jsp#inmate_results (last visited Sept. 10, 2020).

Local Rule 41.2C provides that “the failure . . . of a party appearing *pro se* to keep the Clerk’s office informed of any change in address and/or telephone number which causes a delay or otherwise adversely affects the management of the case shall constitute grounds . . . for dismissal.”

IT IS RECOMMENDED that the instant *pro se* §2255 motion to vacate [Doc. 121] be **DISMISSED WITHOUT PREJUDICE** pursuant to Local Rule 41.2C for failure to keep the Court informed of Plaintiff’s current address.

The Government’s motion for an extension of time to file a response [Doc. 124] is **DENIED AS MOOT**.

SO ORDERED this 25th day of September, 2020.



JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE